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ES3, LLC and Richard Cohen

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;

Plaintiff,

vs.

HAWAIIAN EXPRESS SERVICE,  
INC., et al.,

Defendants.

) CIVIL NO. CV03-00385 SOM-LEK  
 ) (Copyright)  
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 ) DEFENDANTS C&S LOGISTICS OF  
 ) HAWAII, LLC, C&S WHOLESALE  
 ) GROCERS, INC., C&S  
 ) ACQUISITIONS, LLC, ES3, LLC AND  
 ) RICHARD COHEN'S EX PARTE  
 ) MOTION FOR EXAMINATION OF  
 ) JUDGMENT DEBTOR;  
 ) DECLARATION OF LEX R. SMITH;  
 ) CERTIFICATE OF SERVICE  
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**DEFENDANTS C&S LOGISTICS OF HAWAII, LLC, C&S  
WHOLESALE GROCERS, INC., C&S ACQUISITIONS, LLC, ES3, LLC  
AND RICHARD COHEN'S EX PARTE MOTION FOR  
EXAMINATION OF JUDGMENT DEBTOR**

Defendants C&S Logistics of Hawaii, LLC, C&S Wholesale Grocers, Inc., C&S Acquisitions, LLC, ES3, LLC and Richard Cohen , move this Court, ex parte, for an order citing and summoning Judgment Debtor Wayne Berry to appear before the Honorable Magistrate Judge, Leslie Kobayashi, in her courtroom, United States District Court for the District of Hawaii, 300 Ala Moana Boulevard, Honolulu, Hawaii, at a time certain for examination as judgment debtor, as provided by law.

This ex parte motion is made pursuant to Fed. R. Civ. P. 69 and Haw. Rev. Stat. § 636-4, and is based on the attached declaration, and on the records, files and pleadings herein.

DATED: Honolulu, Hawaii, May 23, 2007.

/s/ Thomas H. Yee

KOBAYASHI, SUGITA & GODA

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